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September 14, 2007

Honorable Leonard B. Sand, U.S.D.J.  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 1650  
New York, N.Y. 10007

***Re: U.S. v. Alton Davis et al., including Roderick Gunn,***  
***Dkt. No. S1 06 Cr. 911 (LBS)***

Dear Judge Sand:

I was appointed to represent Mr. Roderick Gunn in the above referenced case pursuant to the *Criminal Justice Act*, **Title 18 U.S.C. § 3006A**, on August 28, 2007.<sup>1</sup> In accordance with Your Honor's instructions at the pre-trial conference of Monday, September 10, 2007, I am respectfully requesting the appointment of the attorney Mr. Mitchell Dinnerstein, Esq., to assist me in the defense of Mr. Gunn as *learned counsel* pursuant to **Title 18 U.S.C. § 3599**(Counsel for financially unable defendants).

In this indictment, Mr. Gunn is charged with a capital offense which may be punishable by death. Accordingly, under these circumstances, **Title 18 U.S.C. § 3599 (d)** provides for the appointment of "... *another attorney whose background, knowledge, or experience would otherwise enable him to properly represent the defendant, with due consideration to the seriousness of possible penalty and to the unique and complex nature of the litigation*".

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<sup>1</sup> At the time in this district I was representing Mr. Gunn on another indictment, Dkt. No. 03 Cr. 1277 (WHP), before the Honorable William H. Pauley, III, U.S.D.J. I was appointed by Judge Pauley to represent Mr. Gunn on that indictment pursuant to C.J.A.

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**letter to Hon. Sand, U.S.D.J.**  
**September 14, 2007**

Attached is a copy of Mr. Dinnerstein's *curriculum vitae* which outlines his experience in defending individuals charged with capital offenses. For instance, Mr. Dinnerstein recently tried a death penalty case in the Eastern District of New York where he was appointed pursuant to C.J.A. as *Death Certified Counsel* in the matter of *U.S. v. Ronell Wilson* before the Honorable Nicolas G. Garaufis, U.S.D.J. . Additionally, Mr. Dinnerstein is *Death Certified Defense Counsel* in the Southern District of New York. As his resume shows, Mr. Dinnerstein certainly meets the criteria under **Title 18 U.S.C. § 3559 (d)** to be appointed as learned counsel in the case of Mr. Roderick Gunn.

For the aforementioned reasons I request respectfully that Your Honor grant this request for the appointment of Mr. Dinnerstein as learned counsel in this matter and that Your Honor's appointment be *nunc pro tunc* to the original date of my appointment on August 28, 2007. Attached is a proposed order for Your Honor's signature.

Should there be any questions concerning this matter, I can be reached immediately at (917) 751-5754.

Thank you.

Respectfully submitted,

*Richard Palma*

Richard Palma

**MITCHELL DINNERSTEIN**  
**350 Broadway**  
**Suite 700**  
**New York, New York 10013**  
**212-925-0793**

## **EMPLOYMENT**

**PRIVATE PRACTICE-** Office is located at 350 Broadway  
New York, New York  
10013  
212-925-0793

Entering a solo criminal practice. I am on the CJA Panel in the EDNY as well as assigned as "learned counsel" in death penalty cases.

**CAPITAL DEFENDER OFFICE** New York, NY 9/1/95-  
3/1/06

Recently tried a death penalty case in the Eastern District of New York, USA v. Ronell Wilson which arose over the murder of two undercover police officers. Previously, I was employed in an office that represents people in potential Capital Cases in New York State. I was the lead counsel in numerous high profile cases, for example, the "Carnegie Deli Massacre" case, a Manhattan case where multiple murders occurred above the Carnegie restaurant in May, 2001. I was also the lead counsel in a death penalty trial in Queens County where the defendant was accused of shooting an off duty police officer and a store owner. The defendant, although convicted, did not receive a death sentence. Part of my responsibility is to consult with other lawyers who are representing people in potential death cases.

## **PRIVATE PRACTICE**

New York, NY

1983-1995

Employed in a private law practice specializing in criminal law in both State and Federal Courts at the trial and appellate levels. I have represented many individuals charged with homicides and other serious felonies. I have successfully represented battered women who have killed their abusers at trials and before the Grand Jury.

## **LEGAL AID SOCIETY**

Brooklyn,

NY 1977-1983

Senior staff attorney for the Legal Aid Society-Criminal Defense Division

## **EDUCATION**

Law School—SUNY at Buffalo—September, 1973 to June, 1976

College- SUNY at Stony Brook—September 1968 to June 1972-cum laude

## **ADMISSIONS**

New York 1977

Eastern and Southern District of New York 1979

New Jersey 1991

## **PROFESSIONAL MEMBERSHIPS**

Kings County Bar Association; Former Chairman of the Criminal Court Committee;  
Brooklyn Bar Association; New York State Defenders Association; National Association of Criminal Defense Lawyers

(NACDL); New Jersey Criminal Defense Lawyers; New York Criminal Defense Lawyers

## **TEACHING**

I have lectured extensively at New York Law School, New York University School of Law, Cardoza Law School, Pace University School of Law, National Institute Training Advocacy and Training Sessions for the Legal Aid Society on subjects ranging from search and seizure, trial techniques in battered women cases, parricide cases and in jury selection.

## **AWARDS**

1994 recipient of the annual award presented by Steps to End Family Violence (STEPS).

STEPS is an organization that provides counseling and treatment for women who are incarcerated at Rikers Island and Bedford Hills Correctional Facility. Many of the women are charged with homicide or assault against their abusers.

## **TELEVISION**

In the past, I have been a guest commentator for the national cable television show COURTV. I provided comment on such high profile cases as California v. Mendez and Virginia v. Bobbitt.

## **REFERENCES**

Will be provided upon request.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA

-against-

ORDER  
S1 06 Cr. 911 (LBS)

RODERICK GUNN,  
Defendant.

-----X

Upon the *EX-PARTE* application of RODERICK GUNN by his attorney RICHARD PALMA, for an Order authorizing the appointment of *Learned Counsel* pursuant to Title 18 U.S.C. § 3553 (d) & Title 18 U.S.C. 3006A:

IT IS HEREBY ORDERED, that:

1. MITCHELL DINNERSTEIN, ESQ., assist in the representation of RODERICK GUNN, on the above captioned matter, as *learned counsel*, pursuant to Title 18 U.S.C. § 3553 (d) & Title 18 U.S.C. 3006A.

Dated: September 17, 2007  
New York, N.Y.

SO ORDERED

LEONARD B. SAND  
UNITED STATES DISTRICT JUDGE